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Attorneys for Defendant
Alexander Smirnov

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEXANDER SMIRNOV,

Defendant.

No. CR 2:24-cr-00091-ODW

**DEFENDANT'S PROPOSED VOIR
DIRE QUESTIONS**

Trial Date: December 3, 2024
Trial Time: 9:00 a.m.
Location: Courtroom of the
Hon. Otis Wright

Comes Now, Defendant Alexander Smirnov, by and through his counsel of record and pursuant to the Court's April 12, 2024 Order Continuing Trial (ECF 65), which incorporates by reference the parties' joint stipulation (ECF 64) submits his Proposed Voir

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Dire Questions for the trial of defendant Alexander Smirnov.

Dated: November 18, 2024

Respectfully Submitted:

/s/ David Z. Chesnoff
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Counsel for Alexander Smirnov

REQUESTED VOIR DIRE QUESTIONS

1. [Court Describes Trial Schedule]. Does the schedule that I have just mentioned present a special problem to any of you?
2. Please state your city and county of residence.
3. Please state your occupation and employer and that of your spouse or partner.
4. Please state your and your spouse/partner's education and any degrees or special training you have.
5. Please state the occupations and education of your adult children, if any.
6. Have you, your spouse, children or other immediate family members served in the military? If so, what branch when, for how long, any overseas involvement.
7. Have you previously served on a trial or grand jury? If yes, please elaborate, was this for a criminal or civil matter?
8. Have you ever been a witness in a civil or criminal matter, or been a plaintiff or defendant in any case?
9. Have you or a close family member had any experience or training in law enforcement, including courses in criminal justice or the administration of justice?
10. Would you tend to give the testimony of an FBI agent more or less credibility, no matter how slight, than you would a witness whose testimony contradicts the agent?
11. How difficult would it be for you to find the testimony of an FBI agent to be inaccurate or mistaken?
12. Do you read books or follow stories in the media about law enforcement investigation, espionage or spies?
13. What have you read, seen or heard about the involvement of Hunter Biden, President Biden's son, in the Ukrainian energy company called Burisma Holdings Limited?

- 1 14. What is your opinion of the accusation that Hunter Biden's involvement in
- 2 Burisma was improper?
- 3 15. [Court Reads Statement of the Case]. Have you heard or read anything about
- 4 this case or the underlying investigation from the news, social media, or any
- 5 other source? If yes, what have you read, seen or heard?
- 6 16. What opinions, if any, have you formed about this case?
- 7 17. What opinion do you have of people who agree to be paid Confidential Human
- 8 Sources for the FBI?
- 9 18. If information a Confidential Human Source reports to the FBI turns out to be
- 10 wrong, would you assume that person was lying?
- 11 19. Mr. Smirnov is a dual citizen of the United States and Israel, do you have any
- 12 feelings about people who hold dual citizenship with Israel?
- 13 20. Mr. Smirnov was born in Ukraine. Do you support or oppose the American
- 14 funding of Ukraine in the war with Russia?
- 15 21. Is there anything about the nature of the charges in this case that would prevent
- 16 you from being a completely neutral, fair and impartial juror?
- 17 22. The lawyers involved in this case are: Leo Wise and Derek Hines, of the United
- 18 States Department of Justice, who represent the United States, and David
- 19 Chesnoff, Richard Schonfeld and Nasser Khoury who represent the defendant,
- 20 Alexander Smirnov. Do you or your immediate family, such as spouse, child,
- 21 parent, or sibling, know any of the attorneys I have just named?
- 22 23. Have you or any member of your immediate family had any business dealings
- 23 with, or been employed by, any of these attorneys or their offices?
- 24 24. Are you, any member of your immediate family, or close friends acquaintances
- 25 with Alexander Smirnov or any member of his family?
- 26 25. The potential witnesses in this case are: [Read from Witness Lists Provided to
- 27 Court by the Parties]. Are you familiar with any of these potential witnesses?
- 28

- 1 26. The law enforcement agency involved in this case is the Federal Bureau of
2 Investigation (FBI). Does the fact that the FBI is the agency that investigated this
3 case cause you to think the charges against this defendant are true?
- 4 27. Have you, any member of your immediate family, or close friends ever been
5 employed by, worked or volunteered with or investigated by, any law enforcement
6 agency, including: state or local police, the IRS, the FBI, ATF, DEA, the Secret
7 Service, U.S. Marshals, U.S. Immigration and Customs Enforcement, U.S.
8 Customs and Border Protection, the Bureau of Prisons, any state or federal
9 prosecutor's office, or any state or local prison system?
- 10 28. Do you believe that you will give more or less weight, no matter how slight to the
11 testimony of a law enforcement officer, because he or she is employed as a law
12 enforcement officer?
- 13 29. Have you or any member of your immediate family ever been (a) a victim of a
14 crime, (b) a witness in a criminal case, or (c) arrested for a crime, not including
15 minor traffic offenses?
- 16 30. Do you have any opinions about the criminal justice system that would make it
17 difficult for you to be a fair and impartial juror in this case?
- 18 31. Are you, any member of your immediate family or a close friend studying,
19 planning to or currently working in a legal profession (e.g., lawyer, paralegal,
20 legal secretary)?
- 21 32. Have you ever been actively involved in a political campaign, political
22 organization, or any organization that is associated with a political party?
- 23 33. Have you, or any member of your immediate family or household ever run for,
24 sought, or held any elected or appointed political office?
- 25 34. Do your views regarding the 2020 election in any way prevent you from being a
26 fair and impartial juror in this case?
- 27 35. Do you believe the United States Department of Justice, the FBI, ATF, DEA, or
28

any other law enforcement agency investigates and prosecutes individuals because of politics?

36. If you are selected to sit as a juror in this case, would you be unable to render a verdict solely on the evidence presented at trial?

37. If you are selected to sit as a juror in this case, would you be unable to follow the law as I give it to you?

38. If you are chosen to sit as a juror in this case, you will be instructed that you will not be able to do any research or investigation, including on the Internet, on any issues in the case or communicate with others about your jury service. Is this an instruction that you will be unable to follow?

39. Under the law, a defendant need not testify or produce any evidence. The burden of proof is always on the government. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision. Would you have any difficulty following this rule?

40. A fundamental principle of our legal system is that when a person is charged with a crime, he is presumed to be innocent unless and until the Government proves guilt beyond a reasonable doubt. If you are selected to sit as a juror in this case, will you have difficulty following this rule of law?

41. Alexander Smirnov, as the defendant in this case, may choose not to testify in his own defense, and I instruct you that the choice not to testify, if that is Alexander Smirnov's choice, may not be held against him. If you are selected as a juror in this case, will you have difficulty following this instruction?

42. In a criminal trial the prosecution has the burden of proving a defendant guilty beyond a reasonable doubt. A jury has the duty to hold the prosecution to that standard and if they cannot rule out reasonable doubt, a jury has the duty to find a defendant not guilty. Do you have any hesitation, at all, about that?

- 1 43. Each of you is entitled to your own opinion of the evidence. If after a good faith
2 effort to reach a verdict, you found that most other jurors disagreed with you, do
3 you think you would change your opinion because you were in the minority?
- 4 44. Is there anything, such as poor vision, difficulty hearing, difficulty understanding
5 spoken or written English, that would make it difficult for you to serve on this jury?
- 6 45. Is there any matter you would prefer to discuss privately with the court and
7 counsel?
- 8 46. This is the last question. Is there anything else, including something that you have
9 remembered in connection with one of the earlier questions, that you think you
10 would like to tell me in connection with your service as a juror in this case?